IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 618 OF 2006
IN
WRIT PETITION NO. 2812 OF 2004

Prakash H. Dugad ... Petitioner

V/s.

Municipal Corp. of Gr. Mumbai & Ors. ... Respondents

Mr. Arshad Shaikh with Kimaya Prajapati for applicant - respondent No. 7.
Ms. Preeti Purandare for BMC respondent.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 10th November, 2006

P.C.

. The order would indicate that respondent No. 7 was not heard before the order was passed. Considering the record it appears that the petitioner was also not present. We have perused the order directing the Corporation to hear the petitioner and respondent No. 7 and pass appropriate orders. The respondent No. 7 now points out that the petitioner is no longer owner and there are also other persons who are owners. It is further pointed out that earlier complaint was dealt with and decided. In these circumstances, it is open to the respondent No. 7 to raise all those contentions before the competent officer. It will also be open to the new owners to

intervene before the competent officer and give say on the same. The competent officer to hear all the concerned parties and pass appropriate orders at any rate not later than eight weeks from today.

2. According to respondent No. 7, loft is still existing for last more than fifteen years.

3. In respect of fresh notice it will always be open to the petitioner to file independent proceeding and disposal of this motion will not stand in their way.

4. The motion stands disposed of accordingly.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]